

FILED  
2013 SEP 20 AM 8:30  
CLERK OF DISTRICT COURT  
HARRISON COUNTY

**IN THE IOWA DISTRICT COURT FOR HARRISON COUNTY**

STATE OF IOWA,  
Plaintiff.

FECR011586

vs.  
CODY METZKER- MADSEN,  
Defendant.

**MOTION TO TRANSFER THE DEFENDANT TO A JUVENILE  
DETENTION CENTER**

The Defendant moves the Court to order eh Harrison County Sheriff to transport the Defendant to the juvenile detention center in Council Bluffs, Iowa, for placement during the pendency of this case, and states in support hereof as follows:

1. The Defendant is sixteen years of age with a variety of psychological difficulties. Because he is a minor, he is required to be separated from any adult inmates at his current place of incarceration at the Harrison County Jail.
2. As a result of the requirements for sight and sound barrier, and because there are no other juveniles housed at the Harrison County Jail, the Defendant is being detained in solitary confinement in violation of his right to be free from cruel and unusual punishment as is guaranteed by the Eighth and Fourteenth Amendments to the Constitution of the United States.
3. The Court should ensure that the Defendant, as any other citizen, is treated in a humane manner. The inevitable isolation of this child whose ability to understand and cope with the difficulties that punitive isolation creates is not humane. This is not to indicate that the Harrison County Sheriff or any

deputy has harmed the Defendant in any manner; it is the context of the sheriff discharging his duties that creates the inhumanity.

4. The undersigned counsel requested the counsel for the State to indicate any approval or resistance to this request, but at this time, no response has been received. In the event that the State does not file a non-resistance to this motion, the Defendant requests that the motion be heard as soon as possible.

WHEREFORE, the Defendant requests the Court to order that the Defendant be held at the juvenile detention center in Council Bluffs, Iowa, effective immediately after an order for same is filed.

Respectfully submitted,

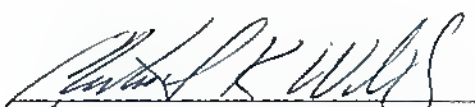
**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on

18<sup>th</sup> day of September, 20 13.

By: ☒ U.S. Mail ☐ FAX  
☐ Hand Delivered ☐ Overnight Courier  
☐ Certified Mail ☐ Other:

Signature: 

  
MICHAEL K. WILLIAMS AT0008487  
ASSISTANT PUBLIC DEFENDER  
705 DOUGLAS STREET, STE. 600  
SIOUX CITY IA 51101  
(712) 279-0202  
FAX (712) 233-2073  
[mwilliams@spd.state.ia.us](mailto:mwilliams@spd.state.ia.us)

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WRITTEN ARRAIGNMENT AND PLEA OF NOT GUILTY

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The Defendant in the above-captioned criminal appears herein by this document and states that the following is true to the best of my knowledge and belief, made under penalty of perjury:

1. I am represented by the Office of the State Public Defender, whose address is 600 Benson Building, Sioux City, Iowa, 51101, and whose telephone number is 712-279-0202.

2. I have been advised by the above-named attorney and understand that I have a right to arraignment in open court, and I hereby voluntarily waive that right, choosing instead to sign this Written Arraignment and Plea of Not Guilty.

3. I have received a copy of the trial information which charges me with the following crime:

- I. MURDER IN THE FIRST DEGREE, a Class "A" felony, in violation of Iowa Code §§707.1 and 707.2.

I have read or have been read the Trial Information and the Minutes of Testimony attached thereto, and I have familiarized myself with its contents.

4. With regard to the name by which I am charged in the trial information (either check "a" or check and complete "b"):

( X ) a. The name shown on the trial information is correct. I have been advised and understand that I am now precluded from objecting to the trial information upon the ground I am improperly identified.

( ) b. The name shown on the trial information is not my true name. My true name is \_\_\_\_\_. I request that an entry be made in the minutes showing my true name. I have been advised and understand further proceedings will be had against me by that name, the trial information will be amended accordingly, and when the trial

information is so amended I will be precluded from objecting upon the ground I am improperly identified.

5. I have been advised and understand that I may plead guilty, not guilty, or former conviction or acquittal.

6. For the purpose of this arraignment, I have had sufficient time to discuss my case with the above-named attorney, and I waive any further time in which to enter a plea.

7. I plead Not Guilty to the charges listed in paragraph 3, supra.

8. I have been advised and understand that I have a right under Rule 2.33(2)(b) of the Iowa Rules of Criminal Procedure to a trial within ninety days after the filing of the trial information and (check either "a" or "b");

☒ a. I demand a speedy trial pursuant to Rule 2.33(2)(b).

☐ b. I waive my right to a speedy trial pursuant to Rule 2.33(2)(b).

9. I request that a trial date be promptly set pursuant to Rule 2.9 of the Iowa Rules of Criminal Procedure.

  
\_\_\_\_\_  
CODY METZKER- MADSEN  
DEFENDANT